

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**PHILLIP RAY LINDSEY,**

**Plaintiff,**

**V.**

**Warden DARRIN MYERS,**

**Defendant.**

[illegible]

**Case No: 5:23-cv-00378-CAR-CHW**

**Proceedings Under 42 U.S.C. § 1983  
Before the U.S. Magistrate Judge**

## ORDER

Plaintiff Phillip Ray Lindsey has moved to voluntarily dismiss his case following the denial of his requests for a preliminary injunction. (Doc. 6); *see also* (Docs. 4, 5). Although the screening order and recommendation, filed on December 14, 2023, directed that seven of the defendants be served (Doc. 4, p. 10), the docket shows that no service paperwork was issued. Because no defendants have been served, and thus no answer has been filed, no order dismissing the case is required under Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. For clarity of the record, however, the Court hereby **GRANTS** Plaintiff's motion to voluntarily dismiss his complaint (Doc. 6), and this case is **DISMISSED without prejudice**.

**SO ORDERED**, this 26th day of February, 2024.

s/ Charles H. Weigle  
Charles H. Weigle  
United States Magistrate Judge